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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WRITER'S DIRECT NO.

(202) 828-0155

January 17, 2002

BY HAND

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
223 Massachusetts Ave., N.E.
Washington, DC 20554

**Re: Ex Parte Presentation
ET Docket No. 98-153**

Dear Ms. Salas:

Today, I received an e-mail message from Michael Marcus of the Office of Engineering & Technology requesting that I provide him with a copy of the attached January 11, 2002 letter from Assistant Secretary of Defense for Command, Control, Communications and Intelligence John P. Stenbit to Deputy Assistant Secretary of Commerce for Communications and Information Michael D. Gallagher. Pursuant to that request, today I sent a copy of the attached letter to Mr. Marcus by telecopy.

Sincerely yours,



Dean R. Brenner

cc: Michael Marcus

No. of Copies rec'd 0+4
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.. COMMAND, CONTROL,
COMMUNICATIONS, AND
INTELLIGENCE

ASSISTANT SECRETARY OF DEFENSE
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Michael D. Gallagher
Deputy Assistant Secretary for Communications and Information
U.S. Department of Commerce
HCH Building, Room 4898
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Gallagher:

As National Telecommunications and Information Administration (NTIA) is reopening discussions with staff members of the Federal Communications Commission (FCC) regarding ultra-wideband (UWB) communications technologies, it is essential to clarify and emphasize the extremely serious concerns of the Department of Defense (DoD) regarding the potential effects of such UWB operations upon federal government systems—including those that are vital to national defense and homeland security. These discussions are important because of likely imminent FCC action in its UWB proceeding. The FCC has indicated it plans to proceed with a report and order as soon as its February 14, 2002 public meeting.

We believe that UWB is a revolutionary technology that holds strong potential for important military and commercial uses. United States military forces have been early and ardent advocates for testing and deploying UWB systems. We also strongly agree that DoD will benefit from cost savings and technical advances brought about by commercial and military deployment of UWB systems and applications. In short, DoD supports UWB development. However, DoD seeks to ensure that such development will proceed in a prudent manner consistent with core national security needs and objectives.

As Deputy Secretary of Defense Wolfowitz noted in a letter to Secretary Evans, dated November 11, 2001, the current FCC draft rules for UWB contain emission limits that will not protect DoD systems, including a number of highly sensitive systems. We are particularly concerned about the potential effects of UWB operations on the global positioning satellite (GPS) system that, as you know, is necessary to satisfy certain critical military missions. DoD, in keeping with our national defense responsibilities, cannot accept any interference with its systems. This requires that there be no intentional emissions below 4.2 GHz, except for imaging systems. In addition, out-of-band emissions must meet the stringent standards previously provided by DoD to NTIA staffers. We believe that compliance with these parameters can easily be achieved, by



installation at the input to UWB transmitting antennas of a high pass filter with a cut-off at 4.2 GHz to produce an emission mask that meets the limitations provided to your staff.

The current FCC draft order poses at least two additional significant issues. First, the FCC is proposing to approve the unlicensed and uncoordinated use of UWB devices in all bands—including bands in which Part 15 intentional transmission currently is restricted. Never before has the FCC considered authorizing such unconstrained usage of spectrum that includes restricted bands. This holds the dangerous potential to set a precedent whereby the FCC could eliminate protection of restricted government bands, which are essential to national security, safety of life, and the economic security of the nation.

Second, in its proposed order, the FCC is not seeking to impose aggregation controls in the licensing process. This lack of any aggregation limits may pose a threat to vital national security systems and operations.

DoD has concluded its technical studies of UWB emissions and provided updated numbers to NTIA that would allow full implementation of UWB technology above the 4.2 GHz frequency range. We believe this demonstrates DoD's good-faith efforts to seek a "win-win" technical and policy solution that will protect critical Defense systems and also allow commercial growth of this industry. We wish to emphasize that our analysis clearly points to the fact that emission limits imposed by the FCC must be based on conservative technical values. All emissions, including emission spikes, must be below the emission limits provided by DoD.

DoD's proposal to prohibit emissions below 4.2 GHz (with some limited, niche-market exceptions, such as ground-penetrating radar and see-through-wall applications) is not a position that can be altered according to the success or failure of initial commercial UWB deployments. It is a long-term position taken to protect vital DoD systems that ensure our national security. That position is further justified by recent public reports that such initial roll-outs may constitute just the "camel's nose under the tent" of commercial investment in UWB. We must be concerned about the long-term, cumulative effect of decisions made at this juncture.

We are at a policy crossroads that will determine the safe operation of DoD systems as commercial UWB systems are deployed. We have worked hard and will continue our efforts to develop approaches that will permit commercial deployment of UWB technologies in a manner which will not pose risks to sensitive and vital national security and defense systems. It would be an abdication of responsibility on our part, however, not to stress our severe reservations about potential FCC actions in the strongest possible terms.

We note that other executive branch organizations use restricted bands above the 4.2 GHz cutoff that we propose. Those organizations also wish to protect their systems from interference and can benefit from a high pass filter having a cutoff point at a higher frequency. Therefore, a corollary attribute of the high pass filter would be to limit the range of UWB devices and thus reduce their potential for interference.

The Department of Defense asks NTIA to use its discussions with the FCC to clearly and strongly express DoD's position and continuing concerns regarding the FCC's UWB proposals, as currently drafted. Furthermore, considering the importance of this issue, we would ask that DoD representatives be present during these discussions with the FCC. We look forward to continuing to work with you, other federal agencies, and the White House to ensure that Presidential authority under the Communications Act of 1934, as amended, is appropriately preserved in discussions within the Executive Branch and with the FCC.

Thank you for your consideration and attention to this matter.

Sincerely,


John P. Stenbit